HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19887 of 2002

Dated:21.09.2006

Between:

M.Chinna Ramanaiah and others.

…Petitioners

and

The District Collector and another.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19887 of 2002

ORDER:

The petitioners are residents of Subramanyam Village of Balayapalli Mandal in Nellore District. They filed the instant Writ Petition seeking a writ of mandamus declaring the action of the respondents in trying to evict them from their lands situated at Subramanyam Village as arbitrary and illegal and for a consequential direction to the respondents not to interfere with their possession.

By impugned order/notice dated 23.06.2002, the Mandal Revenue Officer informed the petitioners that they encroached upon the land which is assigned to Harijans of the Village, that the land was resumed under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, that Harijans were restored possession, and that if the order is violated, appropriate action will be taken against the petitioners. The petitioners allege that they were not given notices before resuming the land. On this ground, this Court issued interim orders staying eviction of the petitioners.

In the counter affidavit filed by the Mandal Revenue Officer, while denying the allegation regarding notice, it is stated that the notice in Form No.1 was issued on 20.05.2002 and as they refused to receive, the same was served by substituted service by affixing the

same at the land. It is also alleged that the petitioners refused to take the copy of the order, dated 16.06.2002, by which the Mandal Revenue Officer ordered resumption of the land.

In this background, this Court is of considered opinion that the matter can be disposed of giving liberty to the petitioners to obtain a copy of the proceedings in Rc.B.158/2002, dated 16.06.2002, from the office of the second respondent and file an appeal before the Revenue Divisional Officer, Nellore. As and when such appeal is filed, the same shall be entertained and appropriate orders shall be passed by the appellate authority in accordance with law. Till then there shall be *status quo* as on today.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

21.09.2006
vs